

FREQUENTLY ASKED QUESTIONS

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EUROPEAN AVIATION SAFETY AGENCY (EASA)

DISCLAIMER: The following questions and answers do not reflect the decisions or commitment of the FAA, the European Commission, or any other parties involved in or affected by the transition to EASA. They are intended as a service to U.S. industry to keep people informed to the extent possible, given the limited official information at this time, as the European aviation regulatory environment changes. This information will be revised as new information becomes known.

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See also the EASA website: <http://www.easa.eu.int/>

GENERAL QUESTIONS

What is the European Aviation Safety Agency (EASA)?

On July 15, 2002, the European Parliament and the Council of the European Union (E.U.) adopted REGULATION (EC) No 1592/2002 establishing common rules for the E.U. in the field of civil aviation and establishing a new European Aviation Safety Agency (EASA). This regulation became effective on September 27, 2002 and EASA officially opened for business on September 28, 2003. Under the regulation, EASA initially has responsibility

for all design approvals, continued airworthiness, design organization approvals and environmental certification. They are also responsible for approving production, maintenance (repair station), and maintenance training organizations outside the European Union. EASA also has a standardization and oversight function for all aviation safety certification activities of Member States. Once essential requirements are adopted for operations and personnel licensing, EASA will also have responsibilities in these areas.

- **Where can I find this regulation?**

The law was published in the Official Journal of the European Communities on September 7, 2002, and is available on the Internet at:

http://europa.eu.int/comm/transport/air/legislation/air_safety_en.htm

- **Where can I find FAA guidance on how to work with EASA?**

See FAA Order 8100.14, *"Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness."*

- **What countries in Europe are affected by the transition to EASA?**

There are currently 25 E.U. Member countries:

Austria *	Finland*	Italy*	Poland*	United Kingdom*
Belgium*	France*	Latvia	Portugal	
Cyprus	Germany*	Lithuania	Slovak Republic	
Czech Republic*	Greece	Luxembourg	Slovenia	
Denmark*	Hungary	Malta	Spain *	
Estonia	Ireland	Netherlands*	Sweden *	

Those marked with an * are countries with whom the U.S. currently has a bilateral agreement related to aircraft certification. (Ireland has a maintenance agreement with the U.S.)

- **What happens to the National Aviation Authorities in these countries?**

Under the EU regulation, NAAs remain responsible for approving production, maintenance, and maintenance training organizations within their country as well as airworthiness certification of individual products coming into their registry. NAAs are expected to use EASA procedures and Community implementing rules.

Some products will remain under NAA design oversight as well. EASA will assume responsibility on behalf of the E.U. Community for certification and oversight of all civil aviation products of E.U. member countries except for those products excluded by Annex II of the Regulation. The products excluded from EASA's responsibility by Annex II will remain the responsibility of each NAA of the respective State of Design to manage on behalf of the Community. Annex II generally covers small fleets of historically relevant

aircraft, such as the Concorde, as well as other aircraft such as ultra-lights and amateur-built. Products that have significant usage in the aviation system generally fall under EASA's responsibility.

- **What will happen to the JAA?**

Many of the JAA's functions have transitioned to EASA, including standardization of national authorities. The JAA continues to address operational aspects during EASA certification projects as well as supporting other areas, such as personnel licensing, that EASA is not yet responsible for. They will continue to represent JAA Member States that are not E.U. Members on design and maintenance issues but mainly in an administrative sense. The JARs now incorporate all EU regulations by reference and the JAA will accept EASA approvals as a JAA recommendation to its non EU members. (JAA Member Authorities can be found at

http://www.jaa.nl/governing/jaa_committee.html#commcomposition arrangement can be found at http://www.easa.eu.int/doc/International/WA_JAA_EASA_Std.pdf)

- **When are these changes taking place? What are the important milestones to be aware of?**

Per the regulation, EASA began operations on September 28, 2003. EASA then has up to 42 months to transition to full operations (March 2007) with its initial responsibilities of design, production, and maintenance.

- **Where is EASA Headquarters located?**

Cologne, Germany.

- **What are EASA's certification regulations and requirements?**

On September 24, 2003, the Community issued Commission Regulation (EC) No. 1702/2003 implementing their part 21 certification procedures. Also, EASA issued airworthiness codes based on the Joint Aviation Requirements. The airworthiness codes are called "certification specifications" or CS, e.g. CS 23, 25, etc.. These texts are available on the EASA web site.

- **Have any regulatory differences between EASA's requirements and FAA's requirements been identified?**

There are differences in the part 21 certification procedures of the two systems. These differences are identified and will be addressed appropriately in the implementation procedures of a future bilateral agreement with the Community.. Until that time, the Community continues to recognize existing BASAs and Bilateral Airworthiness Agreements (BAAs) between the US and EU Member States.

The airworthiness codes are substantially based on the results of the FAA / JAA harmonization work program. The FAA Aircraft Certification Service Directorates and

EASA continue to maintain the type validation processes developed between the FAA and JAA to efficiently address any remaining significant difference between our airworthiness standards. Each Directorate's Standards Staff has analyzed the differences between the FAR and CS and they should be contacted for information.

- **Where can I find more information about the European Community?**

Information on the E.U. Community can be found on the Internet at:

<http://www.eurunion.org> or http://europa.eu.int/index_en.htm

Information on E.U. aviation safety may be found at:

http://europa.eu.int/comm/transport/air/index_en.htm

AGREEMENTS WITH THE UNITED STATES

- **Will the United States have a bilateral agreement with the European Union or EASA?**

The U.S. government must have a bilateral in place with the European Community, rather than EASA. The United States has not yet entered into a bilateral agreement with the Community related to aviation safety but negotiations have begun.

- **How will business be conducted in the absence of a new agreement with the Community?**

Until a new bilateral is concluded with the Community, the FAA will work with EASA as the authority representing those EU Member States with which the U.S. currently has a BAA or BASA. When a new agreement is concluded with the Community to cover all Member States, the scope of that new agreement will replace most, if not all, of the provisions in BAAs and BASA IPAs currently in place between the U.S. and certain of the E.U. Member States.

- **What affect does the creation of EASA have on the existing bilateral agreements (BAAs and BASAs IPAs) between the U.S. and certain E.U. Member States?**

E.U. Member States, with whom the U.S. has a bilateral agreement, have formally notified the U.S. that as of September 28, 2003, EASA assumed responsibility as their executive agent for the functions outlined in the EU Regulation. The bilateral agreements remain in effect until a new agreement is in place with the European Union with EASA, not the NAA, responsible for the design approval procedures of these agreements. For example, we will continue to accept products from France according to the current BASA IPA between France and the U.S. but with EASA performing the design approval functions.

- **Can my company continue to apply to an individual NAA for a type certificate, through our ACO, e.g. DGAC France under the existing bilateral agreement?**

No. The NAAs are no longer responsible for type certification. Any design approval activities they undertake will be on behalf of EASA through agreements/contracts with the Agency. All new applications must be sent through your ACO to the EASA Applications/Certification Manager for processing/assignment of work.

IMPORT OF EUROPEAN PRODUCTS TO THE UNITED STATES

- **What products can be imported from the European Union?**

FAA approval of European products, parts and appliances will continue for those products covered under a bilateral agreement with an EU Member State. Until a new bilateral agreement is concluded with the Community that would govern the acceptance of products between the U.S. and the entire Community as a single entity, the FAA can only accept applications for validation and import into the U.S. of products, parts and appliances from E.U. Member States within the scope of the current bilateral agreements.

- **My company would like to import a propeller from Greece. Is this possible?**

As noted above, this propeller would not be eligible for import to the U.S. because there is no airworthiness agreement in place between the U.S. and Greece. There currently are no bilateral agreements related to airworthiness in place with the following EU Member States: Greece, Ireland, Luxembourg, Portugal, Slovak Republic, Slovenia, Malta, Lithuania, Latvia, Hungary, Estonia, and Cyprus.

- **What happens to ongoing FAA validations of an E.U. Member State's product?**

US validation of products from bilateral partner countries initiated prior to EASA operations will continue to be worked to completion with the NAA team unless the authority notifies the FAA otherwise. If the FAA is concurrently validating a new type design and the NAA's TC program is not yet completed, EASA is involved as the certificating authority on behalf of the bilateral partner country after September 2003.

OBTAINING AN EASA DESIGN APPROVAL

Prior-European approved products

- **What becomes of existing aeronautical products operating in Europe?**

Existing products, and their associated parts and appliances, validated and operating in the E.U. are grandfathered in accordance with Commission Regulation (EC) No. 1702/2003. EASA has identified which TCs do not automatically transfer from the NAAs' to EASA's responsibility and has published this list on their web site. All products that are not transferred remain under the responsibility of the Member State.

All U.S. products with a Type Certificate validated by a Member State prior to September 28, 2003, have been transferred to EASA's responsibility.

- **Will a certification basis established to the JAR prior to September 2003 be accepted as the EASA basis?**

In most cases, yes. The Community has established two scenarios for establishing a common certification basis for the transfer of products:

1) the JAA type certification basis for products that have been certified under JAA procedures with a JAA datasheet, or

2) for other products, the type certification basis of the State of Design if that State of design is:

- an EU Member State; or
- a State with which an EU Member State has concluded a bilateral airworthiness agreement under which such products have been certified on the basis of that State's airworthiness codes.

Thus, if a U.S. product was validated by a JAA validation team using JAA procedures, the JAA recommended certification basis will become the EASA certification basis. However, if a U.S. product was certified solely by a Member State NAA who used the JAR as their import requirements, that JAR certification basis would not be the EASA basis. In the case of this NAA validation, the EASA certification basis will be the U.S. certification basis plus Airworthiness Directives. For example, a Cessna aircraft validated by Germany prior to September 2003 but not under JAA procedures would have an EASA type certification basis of the applicable U.S. FARs plus U.S. ADs.

- **Will EASA reissue the TC?**

No, not until an amendment is applied for at which time EASA will take the opportunity to translate the TC and TCDS to an EASA format.

- **Will TCs issued by national authorities be rescinded?**

No, because under the transfer procedures all configurations type certificated/validated by an NAA are acceptable within the E.U. and any differences to the EASA type certification basis are considered approved optional or alternative configurations.

- **Will FAA STCs accepted by one NAA prior to EASA operations be accepted throughout the system without further demonstration of compliance?**

Yes, validated STCs from the FAA will be recognized by EASA. Existing installed STCs on specific aircraft operating in the E.U. are accepted along with the Type Certificated product. However, if an STC is to be accomplished on another aircraft, it must have some form of documented E.U. Member State approval. Therefore, it will be reviewed for its applicability and documentation. Some FAA STCs have been accepted in Europe without reciprocal issuance of an NAA STC. Such STCs will be required to be validated by EASA before applying them to other aircraft.

- **If I already have an STC in one EU member State how do I get recognition for my STC in another EU Member State**

A copy of your European STC should be provided to any new State of Registry until you receive a new EASA STC.

- **Will repairs installed on a EU-registered aircraft be accepted without further EASA investigation?**

Yes, existing repairs on aircraft operating in the E.U. are accepted under EASA along with the TCed product. However, if a repair is to be accomplished on another aircraft it will be subject to a review for its applicability and documentation.

New applications

- **Where do I submit an application for validation of a US design approval after September 28, 2003?**

Applicants should send all applications for EASA TCs, amended TCs, ETSOA as well as all new STCs and non-OEM major repair design approval to the EASA Applications/Certification Manager through their cognizant FAA certification office. The address and pertinent information for EASA is available on their website at: <http://www.easa.eu.int>

Applications to accept installed STCs and non-OEM major repairs on used aircraft being transferred into Europe go directly to the NAA of the State of Registry. Also, certain major design changes by the TC Holder (Level 1 Majors as defined in existing IPAs) may be submitted directly to a designated Responsible Party acting on EASA's behalf. A listing of Responsible Parties can be found at http://www.easa.eu.int/doc/Certification/Design_Appro/leadauth.pdf. All other design changes by our TC Holders (Level 2 majors and minors) are automatically accepted by EASA.

- **Will the multi-national team or the Member State NAA that EASA contracts to work my validation program remain the same for all future programs?**

No. EASA is directly hiring technical staff (PCMs and technical specialists) and eventually (2010) will be capable of conducting a validation solely with EASA personnel. In addition to increases in EASA staffing, changes within a Member State NAA as well as specific contract issues may also result in EASA reassigning work from one Member State NAA to another Member State NAA or a multi-national team.

- **Will EASA continue to use JAA certification policies and procedures after September 2003?**

No. New applications for Type Certification (after September 2003) are processed using EASA certification policies and procedures and in accordance with Annex Part 21.

TSO article approvals

- **Will EASA use the JTSO system?**

EASA will issue ETSOs as defined in their part 21. Appliance manufacturers should forward any applications for new approvals through their local Aircraft Certification Office to EASA. EASA may contract an EU Member State NAA to review the design on behalf of EASA.

- **Will EASA approve an APU as a TSO article?**

APUs have their own standard in the European Union, called CS-APU. EASA will issue an ETSOA for APUs but will use a certification process similar to type certification.

Repair design approvals

- **Will EASA recognize repairs accepted by a Member State prior to September 28, 2003?**

Existing products, including all changes and repairs installed on them and accepted by a Member State prior to September 28, 2003, validated and operating in the EU are grandfathered in accordance with Commission Regulation (EC) No. 1702/2003. It is incumbent upon the applicant to furnish appropriate documentation that provides evidence of past NAA approval/acceptance.

- **What is the process for getting new repair designs by the TC Holder approved by EASA?**

All minor and major repairs that are accepted or approved by the FAA from a TC holder, as appropriate, are automatically accepted within the EU.

- **What is the process for getting new repair designs by companies other than the TC Holder approved by EASA?**

EASA will automatically accept all minor repairs by US companies other than the TC Holder when these repairs are to products for which the US is State of Design. For major repairs, application for validation must be made through the EASA Applications/Certification Manager.

EXPORT REQUIREMENTS

- **What are the EU Member States' import requirements?**

The European Community has defined common standardized import requirements for new and used aircraft for all European Union Member States. All exporters shipping civil aircraft from the United States to a Member State of the EU must comply with these EU special requirements to meet the regulatory requirements identified in 14 CFR Part 21, Subpart L. These EU special import requirements are published in FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*.

The Community has not defined import requirements for new aircraft engines, propellers, parts and appliances. Therefore, for aircraft engines, propellers, appliances and parts, U.S. exporters must continue to comply with all other provisions identified in any existing bilateral agreement associated with an EU Member State. These individual bilateral import requirements will remain in effect until a new bilateral agreement is concluded between the U.S. and the European Community.

- **Will there still be additional national requirements?**

There may be different national requirements for operational equipment. However, per the EU regulation Article 8, there should not be additional national design requirements since all Community airworthiness requirements are defined in Annex 1 to the regulations and the implementing rules and certification specifications.

In rare circumstances, a EU Member State NAA may impose a design requirement per the EU regulation Article 10(1), such as through issuance of an emergency airworthiness directive, to react to an immediate safety problem. In these instances, the Commission is required to take action if EASA does not agree with the Member State's action (and therefore, takes similar action to make the design requirement a EU-wide requirement). If the Commission disagrees with the action taken by the Member State, the Member State will be required to revoke or amend the measure in question.

- **Who is the exporting and importing authority in this new E.U. environment?**

For U.S. products exported to Member States of the European Union after September 2003, the importing authority is the European Union. For European products exported to the U.S., the exporting authority will remain the individual NAA.

- **Will the NAAs continue to issue Export Certificates of Airworthiness for aircraft and airworthiness approval tags (JAA Form 1) for engines, propellers, appliances, and parts?**

Yes, as explained above, the NAAs will continue to export products. Because the Community will not use a common Export of Airworthiness (C of A) document, each NAA will continue to issue its own Export C of A form for new aircraft exported to the United States. However, an EASA Form One will be used for the export of new engines, propellers, appliances, and parts. The EASA Form One is virtually identical to the old JAA Form One. (FAA will continue to recognize JAA Form Ones previously issued prior to September 28, 2003.

CONTINUED AIRWORTHINESS

- **What will be the structure for continued airworthiness oversight of approval holders (i.e.; certificate management)?**

EASA is responsible for the continued airworthiness of EU products. As with design approvals, EASA initially will rely heavily on the NAA of the State of Design for managing continued airworthiness but will gradually assume more of the day to day tasks as EASA staffs up.

For non-E.U. products, NAAs have been assigned as the lead authority for various aircraft and other products. This lead authority is assigned by EASA as the responsible focal point for FAA to coordinate continued airworthiness issues with. A list of lead authorities for U.S. products can be found at the EASA website:

http://www.easa.eu.int/doc/Certification/Design_Appro/leadauth.pdf.

- **Who will issue Airworthiness Directives?**

EASA is now issuing all ADs..

In rare circumstances associated with urgent safety issues, an NAA may issue an emergency AD using the provisions of Article 10(1) of the EASA Regulation, without obtaining EASA approval. In these instances, the Commission is required to take action in the event EASA does not agree with the action and, therefore, does not issue an EASA AD that mirrors the NAA AD. This may require that the NAA rescinds or amends their AD.